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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,573	10/31/2003	Majid Entezarian	065640-0221	1572
22428	7590	04/28/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			HOPKINS, ROBERT A	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,573

Applicant(s)

ENTEZARIAN ET AL.

Examiner

Robert A. Hopkins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-2-04</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a baffle comprising a plurality of substantially S-shaped baffle members(73), and a frame (50,51,53,54,56,57) configured to hold the baffle members substantially parallel to each other, wherein the baffle is configured to separate one or more entrained substances from an air stream. Russell further teaches wherein at least a portion of the baffle members overlap(column 3 lines 46-50). Russell further teaches wherein the overlapping substantially S-shaped baffle members form a plurality of channels, each channel having a single entry opening and a single exit opening.

Claims 6,7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a baffle comprising a frame (50,51,53,54,56,57) and a plurality of substantially S-shaped baffle members, wherein the frame is configured to hold the baffle members in an overlapping , substantially parallel relationship to each other. Russell further teaches wherein the baffle is configured to be mounted to a kitchen hood.

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Claims 10-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a kitchen hood comprising a frame (50,51,53,54,56,57) which comprises a first side and a second side, a plurality of baffle members(73) each of which comprises a first surface that extends from the first side of the frame to the second side of the frame, the first surface being bent at a first angle and at a second angle, the first angle being greater than 180 degrees and the second angle being less than 180 degrees, the angles being measured from the first surface. Russell further teaches wherein the plurality of baffle members are substantially S-shaped. Russell further teaches wherein the plurality of baffle members are substantially Z-shaped. Russell further teaches wherein the baffle members are substantially parallel to each other and overlap with each other.

Claim 16 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a baffle to remove a substance from an air stream comprising a frame (50,51,53,54,56,57) which includes a first side and a second side, and a plurality of baffle members(73), the baffle members being substantially parallel to each other and extending between the first side of the frame and the second side of the frame, the baffle members defining a plurality of channels each comprising a single entry opening and a single exit opening.

Claim 16 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamada et al(5679120).

Yamada et al teaches a baffle to remove a substance from an air stream comprising a

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frame (10) which includes a first side and a second side, and a plurality of baffle members(20), the baffle members being substantially parallel to each other and extending between the first side of the frame and the second side of the frame, the baffle members defining a plurality of channels each comprising a single entry opening and a single exit opening.

Claim 16 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sylvan(1926924).

Sylvan teaches a baffle to remove a substance from an air stream comprising a frame (2,3; column 3 lines 3-5) which includes a first side and a second side, and a plurality of baffle members(1), the baffle members being substantially parallel to each other and extending between the first side of the frame and the second side of the frame, the baffle members defining a plurality of channels each comprising a single entry opening and a single exit opening.

Claims 20-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamada et al(5679120).

Yamada et al teaches a baffle comprising a plurality of baffle members(20C) each of which includes rounded edges (Figure 6; column 5 lines 13-15) configured to deflect an air stream as it passes through the baffle, and a frame(10) configured to hold the baffle members in a substantially parallel relationship with each other. Yamada et al further teaches wherein the rounded edges are made by folding a wall of a baffle member over on itself. Yamada et al further teaches wherein a radius of one of the rounded edges of one baffle member is at least approximately 1.5 times a thickness of a wall of the one baffle member. Yamada et al further teaches wherein a radius of the rounded edges is not less than approximately 0.38 millimeters.

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Claim 24 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamada et al(5679120).

Yamada et al teaches a kitchen hood(kitchen ventilation system not shown) comprising a baffle, the baffle including a plurality of baffle members(20C) each of which comprises rounded edges(Figure 6; column 5 lines 13-15).

Claims 26 and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Huttlin(4545792).

Huttlin teaches a baffle comprising a plurality of baffle members(14,20) and a frame(10) configured to hold the baffle members in an overlapping , substantially parallel relationship to each other, wherein at least some of the baffle members are shaped similar to two conjoined U shapes(baffle 14 in figure 1).

Claim 32 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a kitchen hood comprising a baffle which includes a plurality of substantially S-shaped baffle members(73), the baffle members being configured to separate one or more entrained substances from an air stream.

Claim 35 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a method of making a baffle comprising providing a plurality of substantially S-shaped baffle members, and coupling the plurality of S-shaped baffle members to a frame, the frame comprising a first side and a second side, the baffle members extending from the

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first side to the second side and being positioned substantially parallel to each other.

Claim 36 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a method for separating an entrained substance from an air stream comprising passing the air stream through a plurality of substantially S-shaped baffle members, the S-shaped baffle members being held substantially parallel to each other by a frame.

Claims 37 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Russell(3433146).

Russell teaches a baffle comprising means(73) for separating an entrained substance from an air stream, and a frame (50,51,53,54,56,57) configured to hold the means. Russell further teaches wherein the means are substantially S-shaped.

Claim 37 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamada et al(5679120).

Yamada et al teaches a baffle comprising means(20) for separating an entrained substance from an air stream and a frame(10) configured to hold the means.

Claim 37 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sylvan(1926924).

Sylvan teaches a baffle comprising means(1) for separating an entrained substance from an air stream and a frame(2,3; column 3 lines 3-5) configured to hold the means.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell(3433146) taken together with Giles, Sr et al(4854949).

Russell teaches all of the limitations of claim 4,15 but is silent as to wherein the baffle is configured to be included as part of a separation cartridge, the separation cartridge further comprising at least one other separation medium. Giles, Sr et al teaches a separation cartridge, the separation cartridge including a baffle and at least one other separation medium. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide at least one other separation medium within the cartridge of Russell to provide for an enhanced separation efficiency by use of baffles and another separation medium.

Claims 5,8,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell(3433146) taken together with Yamada et al(5679120).

Yamada et al teaches all of the limitations of claim 5,8,14 but is silent as to wherein the baffle members comprise rounded edges. Yamada et al teaches a plurality of baffle members within a frame, wherein the baffle members(20C) comprise rounded edges. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide rounded edges on the baffle members of Russell to provide a further mechanism for catching entrained particles within an airflow.

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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell(3433146) taken together with Walker, Jr(5479907).

Russell teaches all of the limitations of claim 9 but is silent as to wherein the baffle members define a plurality of channels in which are positioned a separation media. Walker, Jr teaches a casing(112) having a plurality of baffles(118) within the casing defining a plurality of channels to deflect an air stream, and separation media(122) positioned inside the channels. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide separation media inside the channels of Russell to reduce the flow velocity of the air mixture through the baffle and to provide for enhanced collection sites for the purpose of condensing vapor entering the baffle(column 9 lines 53-58 of Walker, Jr).

Claims 16,17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wingrove(768415) taken together with Yamada et al(5679120).

Wingrove teaches a baffle to remove a substance from an air stream comprising a batten(h), and a plurality of baffle members(g), the baffle members being substantially parallel to each other, the baffle members defining a plurality of channels each comprising a single entry opening and a single exit opening. Wingrove is silent as to wherein a frame includes a first side and second side. Yamada et al teaches a baffle comprising a plurality of baffle members, and a frame configured to hold the baffle members in a substantially parallel relationship with each other. It would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute a frame for the batten member of Wingrove to provide for a more secure framing mechanism of the baffles of Wingrove..

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Wingrove further teaches wherein the minimum amount a substance must be deflected to pass through the channels is at least approximately 180 degrees. Wingrove further teaches wherein the minimum amount a substance must be deflected to pass through the channels is at least approximately 200 degrees.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wingrove(768415) taken together with Yamada et al(5679120) in view of Yamada et al(5679120).

Wingrove taken together with Yamada et al teaches all of the limitations of claim 18 but is silent as to wherein the baffle members comprise rounded edges. Yamada et al teaches a plurality of baffle members within a frame, wherein the baffle members(20C) comprise rounded edges. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide rounded edges on the baffle members of Wingrove to provide a further mechanism for catching entrained particles within an airflow.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell(3433146) taken together with Yamada et al(5679120).

Russell teaches a kitchen hood comprising a baffle, the baffle including a plurality of baffle members. Russell is silent as to wherein the baffle members each comprise rounded edges. Yamada et al teaches a plurality of baffle members within a frame, wherein the baffle members(20C) comprise rounded edges. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide rounded edges on the baffle members of Russell to provide a further mechanism for catching entrained particles within an airflow.

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Russell further teaches wherein the baffle members are substantially S-shaped.

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (5679120) taken together with Walker, Jr (5479907).

Yamada et al teaches a baffle comprising a plurality of baffle members (20) defining a plurality of channels, each channel being configured to deflect an air stream as the air stream passes through the channel, a frame (10) configured to hold the baffle members in a substantially parallel relationship with each other. Yamada et al is silent as to separation media positioned inside the channels. Walker, Jr teaches a casing (112) having a plurality of baffles (118) within the casing defining a plurality of channels to deflect an air stream, and separation media (122) positioned inside the channels. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide separation media inside the channels of Yamada et al to reduce the flow velocity of the air mixture through the baffle and to provide for enhanced collection sites for the purpose of condensing vapor entering the baffle (column 9 lines 53-58 of Walker, Jr). Walker Jr, further teaches wherein the separation media comprises a fibrous material.

Yamada et al taken together with Walker, Jr teach all of the limitations of claims 29 and 30 but is silent as to wherein the separation media comprise inorganic particles. Examiner respectfully submits that inorganic particles are well known for use as a separation media when placed within an enclosure, therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute inorganic particles for fibrous material to provide a different residence time for the airflow passing through the baffle structure of Yamada et al.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wingrove (768415)

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taken together with Yamada et al(5679120).

Wingrove teaches a baffle comprising a plurality of baffle members(g; figures 2 and 3) each of which comprises a base, a first wall and a second wall, the side walls extending outwardly from the same side of the base, a batten(h) configured to hold the baffle members in a substantially parallel relationship with each other, the baffle members also being arranged in at least two offset and opposed rows where the first and second side walls of one baffle member extend toward the first and second walls of the opposed baffle members, wherein the base of at least some of the baffle members comprises a recess where the base extends toward a space which is between two adjacent opposed baffle members. Wingrove is silent as to wherein a frame is configured to hold the baffle members in a substantially parallel relationship to each other. Yamada et al teaches a baffle comprising a plurality of baffle members, and a frame configured to hold the baffle members in a substantially parallel relationship with each other. It would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute a frame for the batten member of Wingrove to provide for a more secure framing mechanism of the baffles of Wingrove..

Claim 34 is rejected under 35 U.S.C. 103(a)as being unpatentable over Wingrove(768415) taken together with Yamada et al(5679120).

Wingrove teaches a baffle comprising a plurality of baffle members(g; figures 2 and 3) each of which comprises a base, a first wall and a second wall, the side walls extending outwardly from the same side of the base, a batten(h) configured to hold the baffle members in a substantially parallel relationship with each other, the baffle members also being arranged in at

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least two opposed rows where the first side wall of one baffle member extends toward and overlaps the first side wall of another baffle member in an interlocking relationship and the second side wall of the one baffle member extends toward and overlaps the second side wall of yet another baffle member in an interlocking relationship. Wingrove is silent as to wherein a frame is configured to hold the baffle members in a substantially parallel relationship to each other.

Yamada et al teaches a baffle comprising a plurality of baffle members, and a frame configured to hold the baffle members in a substantially parallel relationship with each other. It would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute a frame for the batten member of Wingrove to provide for a more secure framing mechanism of the baffles of Wingrove..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

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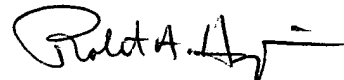
Duane Smith can be reached on 571-272-1166. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval(PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR.

Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

RAH

April 18, 2005



ROBERT A. HOPKINS
PRIMARY EXAMINER

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